



1860

The Laws of Jamaica, 1860

Jamaica

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1860

S. H. Watson

THE
LAWS OF JAMAICA.
ANNO 23 VICTORIAE
[SESSION II—VI]
1860

OCT 17 1911

 The seal features a central shield with a ship, surrounded by the words 'CONNECTICUT'. Above the shield is a sunburst with the year '1776'. Below the shield are the words 'Constitution 1780' and 'Charter 1636'. The background of the seal depicts a landscape with a building and a ship.		
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CSL

S H Watson

THE
Clerk of the Peace
St Thomas in the Vale

LAWS OF JAMAICA,

PASSED IN THE TWENTY-THIRD YEAR OF THE REIGN OF

QUEEN VICTORIA.

OCT 17 1911

[SESSION II—III.]

Published under the direction of the Commissioners appointed by
59 GEO. III. Cap. xxiv.

JAMAICA:
Printed by JORDON & OSBORN, Spanish-Town.

MDCCCIX.

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*Book of the
State of New York
Albany*

LAW OF JAMAICA

PRINTED BY THE GOVERNMENT OF THE
JAMAICA

QUEEN VICTORIA

[Session 1871]

Printed under the direction of the Government of Jamaica
by Geo. H. C. [unclear]

Printed by the Government of Jamaica
at the Government Press, Kingston

[The Acts comprising this Volume were passed in two Sessions of the Legislature, the first of which commenced on the 27th March, and terminated on the 4th April, 1860, by prorogation; and the second commenced on the 5th [the following] day of the same month, and finally ended on the 18th of April, 1860, during the administration of his Excellency Charles Henry Darling, Esquire, Governor; being the continuation of the sixth Annual Session, [or seventh and eighth Special Sessions,] after a Dissolution of the Honorable House of Assembly, in the Year 1854.]

THE PUBLISHER.

A

T A B L E

O F

T H E P U B L I C A C T S

CONTAINING

*The Title of those passed in the Twenty-Third year of the Reign of
Queen Victoria.*

SESSION II.

ANNO 23 VICTORIÆ, 1860.

[Passed 4th April, 1860.]

- | | | | |
|------|--|-------|---|
| CAP. | 1. An act to amend "The Medical Act, 1859," (twenty-third Victoria, chapter seventeen) | PAGE. | 7 |
|------|--|-------|---|

SESSION III.

ANNO 23 VICTORIÆ, 1860.

[Passed 13th April, 1860.]

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|------|---|-------|----|
| CAP. | 1. An act to provide for the management of the post office department, in this island | PAGE. | 11 |
|------|---|-------|----|

THE
LAWS OF JAMAICA.

ANNO REGNI VICESIMO TERTIO VICTORIÆ.

[SESSION II.]

C A P. I.

An act to amend "The Medical Act, 1859," (twenty-third Victoria, chapter seventeen.)

WHEREAS it is expedient to amend "The Medical Act, 1859," (twenty-third Victoria, chapter seventeen): *Be it therefore enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

Preamble.

First—The twelfth, thirteenth, and twentieth sections of the recited act are, and each of them is hereby, repealed.

12th, 13th, & 20th sections of 23 Vic. cap. 17, repealed.

Second—Every person registered under the recited act, or under the imperial act, made and passed in the session of parliament, holden in the twenty-first and twenty-second years of the reign of her present majesty (chapter ninety), to be cited as "The Medical Act," shall be entitled to practice medicine and surgery, or medicine or surgery in any part of this island, and to demand and recover in any court of law, with full costs of suit, reasonable charges for professional advice and visits, and the costs of any medicine, or medical or surgical operations, or appliances performed, given, paid, or supplied by him to his patients.

Persons registered under said act, and English act, entitled to practice medicine, &c.

Third—After the passing of this act, no person shall be entitled to recover any charge in any court of law for any medical or surgical

No person to recover for attendance unless he proves that he is registered.

gical advice, attendance, or appliances, or for the performance of any operation, or for any medicine prescribed, given, performed, or supplied after the passing of this act, unless he shall prove, at the trial of any issue, or on the assessment of damages in any action by default, or after judgment on demurrer, that he is registered under the recited act of the legislature of this island, or the recited imperial act.

Officers of army and navy deemed registered.

Fourth—Medical officers of her majesty's army and navy, respectively serving in the colony on full pay, shall be deemed and taken to be registered under the recited act of the legislature of this island.

Penalty on person who

Fifth—Every person, who shall be guilty of any of the following offences, shall, on conviction, before two justices of the peace of the parish in which the offence is committed, forfeit and pay, for each offence, a fine not exceeding twenty pounds, or be committed to any prison for any term not exceeding six calendar months.

shall falsely pretend to be registered,

1st.—Every person who shall wilfully and falsely pretend to be, or take, or use the name or title of physician, doctor of medicine, surgeon, licentiate, or any other name, title, addition, or description, implying that he is registered under the provisions of either of the said recited acts, or that he is recognized as in the third section of "The Medical Act, 1859," as a physician, surgeon, or licentiate, or practitioner in medicine and surgery, or practitioner in medicine or surgery, or an apothecary, or in any other name, title, or designation, recognized by the said last-mentioned act.

or, not being registered, shall take any fee.

2d.—Every person who, not being registered under either of the said recited acts, shall demand, take, or receive any fee or reward from any other person for the performance of any service in any of the said characters or capacities.

Appropriation of penalty.

Sixth—That one moiety of every such penalty shall be paid to the informer or prosecutor (who shall be a competent witness in support of the prosecution), and the other moiety to the receiver-general, for the use of the government of this island.

23 Vic. cap. 17, incorporated.

Seventh—Except in so far as by this act repealed or altered, the recited act of the legislature of this island, and every provision and enactment thereof, shall be taken as incorporated with, and read as part of this act.

Appointment to medical board not to vacate seat of member of assembly.

Eighth—No appointment of any medical practitioner to be a member of the board of medical examiners, provided under the recited act of the legislature of this island, shall be construed or taken

as an appointment to, or acceptance of, an office of emolument, within the meaning of either of the acts of this island, of the fourth Victoria, chapter nineteen, to declare the seats of members of the assembly vacated, on accepting offices of emolument, or of the seventeenth Victoria, chapter twenty-nine, for the better government of this island, or of any other act, or otherwise howsoever.

Ninth—The act of the legislature of this island of the sixth Victoria, chapter thirty-three, to repeal and amend an act, entitled “*An act for regulating the practise of physic and surgery, and for establishing a college of physicians and surgeons, and a registry of legally qualified practitioners in physic and surgery, in this island,*” is hereby repealed.

6th Vic. cap. 33, repealed.

as an appointment to, or discharge of, an office of emolument within the meaning of either of the acts of this island, of the fourth Victoria chapter thirty-three, to declare the acts of members of the assembly vacated, on a speaking office of emolument, or of the second Victoria chapter thirty-three, for the better government of this island, or of any other act, or otherwise howsoever.

And the act of the legislature of this island of the fifth Victoria chapter thirty-three, to amend and amend an act entitled "An act to regulate the practice of law in and among, and to extend a relief of physicians and surgeons, and a relief of health officers, in cases of disease and property, in this island," is hereby repealed.

THE
LAWS OF JAMAICA.

ANNO REGNI VICESIMO TERTIO VICTORIÆ.

[SESSION -III.]

C A P. I.

An act to provide for the management of the post office department, in this island.

WHEREAS it is expedient to provide for the management of the post office department, in this island: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

Preamble.

First—The post office in and throughout this island shall be managed by the postmaster, to be appointed under the authority of this act.

The post office to be managed by the postmaster,

Second—The said postmaster shall be, and is hereby authorized from time to time to prepare, alter, or amend all rules, orders, and regulations (subject to the approval of the governor), for the general government, guidance, and conduct of the post office, and all and every the officers in such department, which rules, orders, and regulations, alterations, or amendments, shall be in force and effect, as soon as the same shall have been sanctioned by the governor, and a copy thereof respectively shall be laid before each branch of the legislature within [fourteen] days after the meeting of the session next ensuing after the making thereof; and, until such rules, orders, and regulations, alterations, or amendments shall be made and sanctioned by the governor, as aforesaid, the post office shall be regulated, and the officers thereof governed by the rules, orders, and regulations hitherto in practice

who shall prepare rules for its government, subject to the approval of the governor, which rules shall be laid before each branch of the legislature.

Until such rules are made, regulations now in practice shall continue.

in the post office department, under the management and control of the postmaster-general in England.

Disputes to be settled by the governor,

Third—If any dispute shall arise between any person and any officer of the post office, in respect of the management or business of the postal department, it shall be lawful for the governor to dispose of, or determine such dispute, in such manner as he may deem just.

who may remit or forego penalties, &c.

Fourth—If, upon the consideration of the facts and circumstances out of which such dispute arose, the governor shall be of opinion that any penalty or forfeiture has been incurred by any such person, he may, in case he shall be of opinion that the penalty ought to be remitted, remit and forego the same accordingly; or, if he shall be of opinion that a mitigated penalty should be imposed and enforced, may mitigate any such penalty or forfeiture to such an amount as he may deem a sufficient satisfaction for the breach of law or regulation complained of.

mitigate fines or forfeitures, and direct *nolle prosequi* to be entered.

Fifth—Previously or subsequently to the commencement of any prosecution for the recovery of any fine, penalty, or forfeiture incurred under any act of the legislature of this island, or any other act in force in this island relating to the post office, it shall be lawful for the governor, if he is satisfied that such fine, penalty, or forfeiture was incurred without any intention of fraud, or that it is inexpedient to proceed in the said prosecution, to mitigate, reduce, or forego altogether such fine, penalty, or forfeiture; and, if commenced, to stop all further proceedings, by directing her majesty's attorney-general to enter a *nolle prosequi*, or otherwise, on such information or proceeding, if filed.

Commissions, &c. of officers, contracts, and bonds, continued in force.

Sixth—All commissions, deputations, and appointments, granted to any officer of the post office, in respect to any office which may be continued under this act, and all contracts for the post office service, in force at the time of the commencement of this act, shall continue in force and effect as if the same respectively had been afterwards granted or entered into under and by virtue of the authority of this act; and all bonds, which shall have been given by any such officers or contractors, and their respective sureties for good conduct, proper performance, or otherwise, shall remain in full force and effect, and shall enure, from the commencement of this act, to the use and benefit of the public of this island; but it shall be lawful for the postmaster, with the sanction of the governor, to require, and take fresh security from any officer or contractor in such amount, and with such sureties, and to determine any contract, and to enter into any new contract, as he may think fit.

Postmaster may take fresh security, determine contracts, and enter into new ones.

Seventh—

Seventh—It shall be lawful for the governor, by his warrant, from time to time to appoint the hours of general attendance of the respective officers, and other persons in the service of the post office at their proper offices and places of employment.

Governor to appoint hours of general attendance.

Eighth—No officer of the post office department shall, during the time of his acting as such officer, or of his being so employed as aforesaid, be compelled to serve in any corporate, or parochial, or other public office or employment, or to serve on any jury, or inquest, or in the militia, any law, custom, or usage to the contrary thereof notwithstanding; nor shall any officer of the general post office, in Kingston, be engaged in any trade or business.

No officer of post office to serve in any corporate or other office, &c. or engage in business in Kingston.

Ninth—The officers of the post office department, whose offices are mentioned in the schedule to this act annexed, shall be paid salaries not exceeding the sums set opposite to the respective offices therein mentioned.

Officers in schedule to be paid salaries therein mentioned.

Tenth—The deputy post masters shall continue to receive and be allowed the salaries, or commissions in lieu of salaries, and allowances, now paid or allowed to them respectively, or such salaries, or allowances in lieu of salaries, as the legislature may hereafter fix.

Deputy-postmasters to continue to receive present salaries, &c.

Eleventh—The person to be from time to time hereafter appointed by the governor, master of the post office in this island, shall be styled the postmaster for Jamaica; and the appointment to the office of postmaster, on the commencement of this act, and thereto, and of the several clerks and deputies, as vacancies occur thereafter, shall be made by the governor, who shall have power, from time to time, to remove for incompetency or neglect, or misconduct in office, any person employed in the post office service, and to make a new appointment in the room of any person who shall be removed, or shall die, resign, or otherwise vacate his office or appointment: And wheresoever, within this island, posts or post communications are now or may be hereafter established, the governor, with the advice of the executive committee, by the postmaster, and the several clerks and deputies, and their respective servants and agents, shall have the exclusive privilege of conveying from one place to another, and of receiving, collecting, sending, despatching, and delivering all letters, papers, and parcels, except in the like cases as are respectively excepted in any act for the management of the post office in the united kingdom of Great-Britain and Ireland.

Postmaster for Jamaica to be appointed by the governor. Vacancies to be filled by governor, who may remove for incompetency, &c.

Governor, &c. to have exclusive privilege of conveying letters, &c.

Twelfth—Any commission or appointment issued to any person at present employed in the post office, on his re-appointment

Commissions to persons now employed in post office exempted from stamp duty.

ment to the same, or any other office under this act, shall be free from any stamp duty.

Present rates of inland postage to continue.

Thirteenth—The several rates of inland postage now payable and demandable shall continue to be payable, demandable, and enforceable in like manner as the same are now paid and enforced throughout this island; but it shall be lawful for the governor, with the advice of the executive committee, by warrant under his hand, to reduce any rate of inland postage to any other rate of inland postage he may, from time to time, think fit; which reduced rate shall be payable, and enforceable, in like manner as, and in lieu of the previous rate.

Governor may reduce same.

Copy of Jamaica Gazette, &c. evidence of warrant, &c. published therein.

Fourteenth—Any printed copy of the Jamaica Gazette, by authority, purporting to be printed and published by any person having authority to print and publish the same, or if the publication of the said Gazette shall, from any cause cease, or not be made, then any printed copy of any public newspaper which is or shall be appointed for the publication of advertisements of a public nature, shall be admitted as evidence in all courts and places, of any governor's warrant, or any rule or regulation which shall be issued under this act, and contained in any such Gazette or newspaper, and of the due issuing thereof, and of the rules and regulations contained in any such warrant, having been duly made and established, and of the other contents of any such warrant, rule, or regulation, without any further or other proof.

Postage of letters, &c. may be prepaid in coin or stamps.

Fifteenth—The postage of all letters passing through the post offices in this island, and not intended to be sent out of the island may, at the option of the parties sending the same, be chargeable on the delivery thereof, as addressed, or be pre-paid in coin or by adhesive post office stamps, of the amount chargeable upon such letters, respectively placed thereon; and, in all cases in which any such letters shall be posted, having thereon, or affixed thereto, any stamp or stamps, the value or amount of which shall be less than the rate of postage, to which such letters are liable, there shall be charged on such letters a postage of double the amount of the difference between the value of such stamp or stamps and the postage to which such letters are liable, as aforesaid.

Penalty for affixing insufficient stamps.

Executive committee to provide stamps, dies, and adhesive stamps.

Sixteenth—The executive committee shall, from time to time, provide proper and sufficient post office adhesive stamps, and dies, or other implements for expressing and denoting such rates or duties of such value or amount as the governor, with their advice, may direct for the purposes herein mentioned; and it shall be lawful for the receiver-general to issue, for the purposes of this act, to the postmaster such stamps, when the same shall have been provided.

Seventeenth—

Seventeenth—The receiver-general and commissioner of stamps shall cause a separate account to be kept of the stamp duties arising under this act.

Receiver-general, &c. to keep account of stamp duties.

Eighteenth—The rates or duties which shall be expressed or denoted by any such stamps or dies as aforesaid, shall be denominated and deemed to be stamp duties, and shall be under the care and management of the receiver-general and commissioner of stamps for the time being; and all the powers, provisions, clauses, regulations, directions, fines, forfeitures, pains, and penalties contained in, or imposed by the several acts now or hereafter to be in force relating to stamp duties shall (so far as the same shall be applicable, and may be consistent with the provisions of this act), in all cases not hereby expressly provided for, be of full force and effect with respect to the stamps to be provided or issued under or by virtue of this act, and to the papers on which the same shall be impressed, or to which the same shall be affixed, and shall be observed, applied, enforced, and put in execution for the raising, levying, collecting, and securing of the rates or duties denoted thereby, and for preventing, detecting, and punishing all frauds, forgeries, and other offences relating thereto, as fully and effectually, to all intents and purposes, as if such powers, provisions, clauses, regulations, and directions, fines, forfeitures, pains, and penalties had been herein repeated, and specially enacted: *Provided always*, That the receiver-general and commissioner of stamps shall not make, or allow any allowance or discount on the payment to them of any of the said duties arising under this act, or on the purchase from them of any stamps denoting the said duties.

Rates of duties expressed by any such stamps or dies, deemed to be stamp duties,

and all powers, &c. contained in existing acts to be of full force, with respect to the stamps to be issued under this act.

Proviso:

Nineteenth—All letters, papers, and parcels respectively to or from the united kingdom of Great Britain and Ireland, or any of her majesty's colonies or dominions, which shall have been prepaid according to the respective rates now or hereafter to be established by her majesty's postmaster general, or other legislative or proper authority, shall pass through the post offices in this island free of any further or other postage, or charge thereon.

Letters, &c. to or from Great-Britain, prepaid, to pass through post-offices free of further postage.

Twentieth—All moneys received or collected for postage at the general post office in Kingston, and all moneys remitted by the deputy post-masters to the post-master, shall be paid by him, at the end of every week, into the hands of the receiver-general, who shall open and keep, in the books of public accounts, an account, to be entitled "JAMAICA POST OFFICE ACCOUNT," in which shall be duly entered all items of receipts and expenditure, and all charges received or incurred on account of the management of the post office department of this island; and any surplus of revenue, after payment of all contingent charges, shall be appropriated to the support of the government of this island.

Moneys to be paid weekly to the receiver-general, who must keep an account of same.

Twenty-first—

The postmaster must keep an account of all monies received, and the expenditure and charges of the department.

Account to be audited, and laid before each branch of the legislature.

All salaries, &c., to be paid by the receiver-general.

The several laws now in force relating to the post-office to continue in force.

Twenty-first—The postmaster for Jamaica shall keep an account of all monies arising from the duties of postage within this island, as they shall from time to time accrue, and also of all stamps received from the receiver-general, and all other particulars and items of receipts or credits whatsoever, distinguishing the amount, if any, which may continue payable for packet postage or otherwise, to her majesty's postmaster-general, and shall also keep an account of all expenditure and charges of the said department, which accounts shall, from time to time, be duly audited under the provisions of "The Public Audit Act, 1857," the several provisions and powers of which shall extend and apply to all officers, persons, accounts, and things relating to the post office in this island, and the postmaster shall lay such accounts of receipts and expenditure, made up to the thirtieth day of September, in each year, before each branch of the legislature within two weeks after the meeting of any session to be held after the said thirtieth day of September; and shall, whenever required, from time to time furnish to the governor a statement of account of such receipts and expenditure, made up to any date to be fixed by the governor; and furnish also all reports, statements, or information that may from time to time be required by the governor.

Twenty-second—All salaries, and other expenses and charges of the post office department, shall be paid by the receiver-general, by warrant under the hand of the governor, at such times as the governor shall fix for the payment of the same.

Twenty-third—The several laws now in force relating to the post office in this island shall, so far as the same shall be applicable, continue in force, and regulate the post office department in this island as established under this act; and all provisions, powers, and authorities of acts, so far as the same shall be applicable, shall be available, and of force, [and] may be exercised by the governor, with the advice of the executive committee, or by any judges or justices of the peace, or any officer or servant, or other person employed in, or acting on behalf of the post office service, according to their respective functions of office, and as the nature of the case may require, and as the same might have been exercisable respectively by the lords of her majesty's treasury, her majesty's postmaster-general, or any judges or justices of the peace, or any officer, servant, or person heretofore respectively, for the management or on behalf of such department; and the making, or enforcement, or determining of contracts, and the enjoyment and maintenance of all rights and privileges reserved or secured to the same, under any provision of any such act, and for the enforcement of all pains and penalties, or fines against persons offending against any provisions of any such act; and all fines and penalties shall be received and collected, and

and paid over to the receiver-general in the same or like manner as other fines and penalties are now received and paid over, and shall be by the receiver-general carried to the credit of the post office account, and may be appropriated for the use of the government of this island.

Twenty-fourth—Whenever the word “letter” or “letters” is used in this act, the same shall be held to include newspapers, and any other packet, paper, article, or thing transmitted by the post, but not so as to deprive newspapers of any privilege they may now legally possess of passing free of postage; and the provisions of this act shall be construed according to the respective interpretations of the terms and expressions contained in the several acts now in force relating to the post office, so far as those interpretations are not repugnant to the subject, or inconsistent with the provisions of this act.

Definition of the term
“letter,” or “letters.”

Twenty-fifth—This act shall not come into operation unless the same shall be assented to by her majesty, with the advice of her privy council, nor until the time when such assent shall be proclaimed in the colony, or such subsequent time as in the order of her majesty, in council, by which the assent to such act may be signified, shall be fixed in this behalf.

When act shall come
into operation.

Twenty-sixth—This act shall continue in force for one year from the passing thereof.

Duration of same.

SCHEDULE of Salaries of the Postmaster and Officers of the Post Office Department.

Postmaster, per annum, not exceeding	...	£600	0	0
First clerk, per ditto, ditto	...	355	0	0
Second ditto, per ditto, ditto	...	300	0	0
Third ditto, per ditto, ditto	...	250	0	0
Fourth ditto, per ditto, ditto	...	150	0	0
Letter sorters, per annum, in the whole not exceeding	...	100	0	0
Messengers and postmen for Kingston delivery, 2 at £60, and 3 at £30 per annum	..	210	0	0

